

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

<p>JACOB SHOCHAT, Derivatively and on Behalf of CHESAPEAKE ENERGY CORPORATION,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>AUBREY K. MCCLENDON, RICHARD K. DAVIDSON, KATHLEEN M. EISBRENNER, V. BURNS HARGIS, FRANK KEATING, CHARLES T. MAXWELL, MERRILL A. MILLER, JR. , DON L. NICKLES, and LOUIS SIMPSON,</p> <p style="text-align: center;">Defendants,</p> <p style="text-align: center;">and</p> <p>CHESAPEAKE ENERGY CORPORATION,</p> <p style="text-align: center;">Nominal Defendant.</p>	<p style="text-align: center;">Case No. Civ-12-488-M</p>
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**PLAINTIFF JOEL GERBER'S  
OPPOSITION TO PLAINTIFF SOCHAT'S CROSS-MOTION  
FOR APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL**

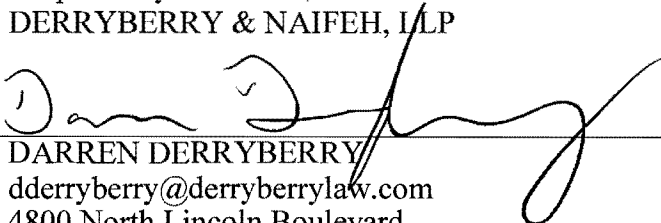
COMES NOW Joel Gerber ("Gerber") who respectfully opposes the cross-motion of plaintiff Jacob Sochat ("Cross-Motion") insofar as it seeks to appoint Jacob Sochat as Lead Plaintiff and the law firm of Kahn, Swick & Foti, LLC, as sole Lead Counsel for Plaintiffs in the consolidated action. Gerber joins in the Cross-Motion in so far as it seeks consolidation of all ten derivative actions currently pending on behalf of Chesapeake Energy Corporation ("Chesapeake"). Gerber is aware of (1) the motion of Plaintiff Dolezal Family Limited Partnership to consolidate and appoint lead counsel ("Dolezal Motion"), (2) the cross-motion of the plaintiffs in the Mallow, Snyder and Leonard Actions (the "Mallow Plaintiffs") to consolidate the then-filed Derivative Actions and appoint their counsel as co-lead counsel; and (3) the cross-motion of Plaintiffs Arnold and Clem to lift the stay in their action in which they

are already lead counsel and to consolidate all the cases into their case ("Arnold/Clem Motion"). Gerber submits this memorandum also in opposition to the Dolezal and Mallow Motions to appoint lead counsel and in support of the Arnold/Clem Motion to lift the stay in that action and consolidate all the cases into that action with the result that the firms of Robbins Umeda LLP ("Robbins Umeda") and Holzer, Holzer & Fistel LLP ("Holzer:") would be co-lead counsel in a their action into which all other filed Chesapeake actions would be consolidated.

The Court has been burdened with volumes of papers on the issue of lead counsel in the consolidated case. We will not repeat the detailed arguments of plaintiffs Arnold and Clem in support of their motion to lift the stay and consolidate all actions into their action, resulting in their counsel becoming co-lead counsel in the consolidated case. The Bragar Wexler Eigel & Squire, P.C. firm has worked previously with the Robbins Umeda firm both as co-lead counsel and as supporting counsel in consolidated class and derivative actions and can attest to their high level of professionalism. Since they have been representing Chesapeake shareholders for years and have the ability to continue to do so, they deserve to continue as co-lead counsel in a consolidated action.

DATED: May 29, 2012

Respectfully submitted,  
DERRYBERRY & NAIFEH, LLP



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DARREN DERRYBERRY  
dderryberry@derryberrylaw.com  
4800 North Lincoln Boulevard  
Oklahoma City, OK 73105  
Telephone: (405) 708-6784  
Facsimile: (405) 528-6462

BRAGAR WEXLER EIGEL & SQUIRE, .P.C.  
Raymond A. Bragar (*pro hac vice* application to be filed)  
bragar@bragarwexler.com  
885 Third Avenue, Suite 3040  
New York, NY 10022  
Tel: (212) 308-5858  
Fax: (212) 486-0462  
*Attorneys for Plaintiff Joel Gerber*

*Certificate of Service*

☒ I hereby certify that on (date) May 30, 2012, I electronically transmitted the

attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on

file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants: (insert names)

Don S. Strong  
G. Stephen Martin

☐ I hereby certify that on (date) \_\_\_\_\_, I served the attached document by

(service method) \_\_\_\_\_ on the

following, who are not registered participants of the ECF System: (insert names and addresses)

s/ Darren B. Derryberry

s/ Attorney Name